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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,899	05/10/2001	Alvin P. Short	01 P 08366 US (8055-25)	5432

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Frank Chau  
F. CHAU & ASSOCIATES, LLP  
Suite 501  
1900 Hempstead Turnpike  
East Meadow, NY 11554

EXAMINER

MAI, ANH D

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/852,899

Applicant(s)

SHORT, ALVIN P.

Examiner

Anh D. Mai

Art Unit

2814

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

SUPERVISORY PRIMARY EXAMINER  
TECHNOLOGY CENTER 2000

Continuation of 5. does NOT place the application in condition for allowance because: 1) with respect to the Objection and rejection of new matters, Applicants appear to contend that the device as shown in Fig. 8 is the same as that of Fig. 9. However, it is very clear that the device having two pillars is definitely different from the one having only one pillar. The device having one pillar does not contact the buried plate along an entire bottom portion of the trench nor along a lower portion of the sidewalls of the trench. Applicants should have recited: "comprising at least a (or one) pillar". The Objection and rejection for new matter are maintained.

2). With respect to the rejection under 112, second paragraph, a dependent claim should further limit the scope of the parent claim. In the instant claim, the scope of the claim is broaden to include a plurality of pillars wherein the parent claim only includes "a pillar". The rejection is maintained.

3). With respect to 35 U.S.C 102, claim 1, Applicants conclude: "it is abundantly clear that the diffusion region (23) is not a "buried plate" that is part of a capacitor electrode". However, Examiner directs Applicant attention to Bronner '696, Fig. 25, col. 9, lines 1-3 and Wu '729, Fig. 9, col. 4, lines 45-48, these show how a buried plate is formed. Note that, pillar (26) of Park '225 makes intimate contact with the doped region 23, thus, they are electronically joined at the bottom, hence formed the first electrode.

4. With respect to 35 U.S.C 103(a), since claims 1 and 18 are being anticipated by Park '225, claims 5 and 22 are obvious over the combination of the cited references.